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DOCKET NO.: UPN-4238/P3130

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Carl T. Brighton, et al.

Confirmation No.: 4332

Application No.: 10/603,226

Group Art Unit: 3762

Filing Date: June 25, 2003

Examiner: Not Yet Assigned

For: **PORTABLE ELECTROTHERAPY DEVICE FOR TREATING
OSTEOARTHRITIS AND OTHER DISEASES, DEFECTS AND INJURIES OF
THE KNEE JOINT**

EXPRESS MAIL LABEL NO: EV631243975US

DATE OF DEPOSIT: *September 22, 2005*

(EV631243975US)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or

before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:
 - Certification in Accordance with § 1.97(e) is attached; or
 - The fee of \$180.00 as set forth in § 1.17(p) is attached.
- In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).
- Copies of reference numbers **49 – 51 and 60** listed on the attached Form PTO-1449 are enclosed herewith.
- Copies of reference numbers **52 - 59** on the attached Form PTO 1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(i).
- Copies of references - are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number , filed for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.
- The relevance of those listed references which are not in the English language is as follows:

There are no listed references which are not in the English language.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Date: September 22, 2005

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Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office		Docket No. UPN-4238/P3130	Application No. 10/603,226
		Applicant Carl T. Brighton, et al.	
		Filing Date June 25, 2003	Group 3762
		Confirmation No. 4332	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)			
*	49	Brighton, C.T., et al., "Signal transduction in electrically stimulated bone cells," <i>J. Bone Joint Surg. Am.</i> , 2001 , 83-A(10), 1514-1523	
*	50	Pienkowski, D., et al., "Low-power electromagnetic stimulation of osteotomized rabbit fibulae," <i>J. of Bone & Joint Surgery</i> , 1994 , 76-A(4), 489-501	
*	51	Wang, W., et al., "Up-regulation of chondrocyte matrix genes and products by electric fields," <i>Clin. Orthopaedics & Related Res.</i> , 2004 , 427S, S163-S173	
EXAMINER		DATE CONSIDERED	

* Cited on PCT International Search Report/Written Opinion dated August 19, 2005
 (PCT/US05/00793).

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Form PTO-1449 Modified		Docket No. UPN-4238/P3130	Application No. 10/603,226
List of Patent and Publications Cited by Applicant (Use several sheets if necessary)		Applicant Carl T. Brighton, et al.	
U.S. Department of Commerce Patent and Trademark Office		Filing Date June 25, 2003	Group 3762
		Confirmation No. 4332	

U. S. PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Name	Class	Subclass
	52	4,430,999	02/14/84	Brighton, et al.	128	419
	53	4,442,846	04/17/84	Brighton, et al.	128	784
*	54	4,467,808	08/28/84	Brighton, et al.	128	419 F
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	56	4,506,674	03/26/85	Brighton, et al.	128	419
	57	4,549,547	10/29/85	Brighton, et al.	128	419 F
	58	2002/0052634 A1	05/02/02	March	607	50
*	59	2003/0211084 A1	11/13/03	Brighton, et al.	424	93.7

FOREIGN PATENT DOCUMENTS

Examiner Initial		Document No.	Date	Country	Translation	
					YES	NO
*	60	WO 2005/070136 A2	08/04/05	PCT		

EXAMINER**DATE CONSIDERED**

* Cited on PCT International Search Report/Written Opinion dated August 19, 2005
(PCT/US05/00793).